

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LINDA GILMER,

Plaintiff,

v.

CENTENE CORPORATION, et al.,

Defendants.

Case No. 3:16-cv-05685-BHS

DEFENDANTS' STATUS REPORT

Defendants Centene Corporation, Centene Management Company, LLC, and Coordinated Care Corporation ("Defendants") respectfully submit this Status Report to provide an update on the status of the parties' Joint Status Report, which the Court ordered the parties to submit in its order dated December 19, 2016.

I. BACKGROUND

Plaintiff filed this case on May 6, 2016, in the United States District Court for the Western District of Missouri, Western Division, asserting a single federal cause of action under the Sarbanes-Oxley Act, 18 U.S.C. 1541A, for wrongful termination. Dkt. #1. Defendants filed a Motion to Dismiss the Case for Improper Venue or, in the Alternative, to Transfer Venue. Dkt. #10. Plaintiff consented to the transfer of the matter to this Court, and on August 3, 2016, Defendants' motion to transfer venue was granted. Dkt. #19.

1 On August 5, 2016, the Clerk of this Court filed a letter directing the parties to associate
 2 local counsel in the District, pursuant to the requirements of LCR 83.1(d)(1). Defendants
 3 immediately complied with this requirement on August 12, 2016. Dkt. #22-24. Plaintiff did not
 4 comply with the Court's directive until December 20, 2016. Dkt. #34-35.

5 On September 12, 2016, the Court entered an Order Regarding Initial Disclosures, Joint
 6 Status Report, and Early Settlement, which set initial case scheduling deadlines in this matter for
 7 December 2016 and January 2017. Dkt. #28. On December 19, 2016, the Parties filed a
 8 Stipulated Motion to extend those deadlines while Plaintiff secured local counsel. Dkt. #29. The
 9 Court granted the Parties' Stipulated Motion, and continued the deadline for the FRCP 26(f)
 10 Conference to January 25, 2017 and the Combined Joint Status Report to February 15, 2017.
 11 Dkt. #30. Defendants filed their Answers to Plaintiff's Complaint on December 20, 2016. Dkt.
 12 #31-33.¹

13 II. STATUS REPORT AS TO INITIAL SCHEDULING DEADLINES

14 Defendants have made good-faith efforts to cooperate with Plaintiff in complying with
 15 the Court's initial scheduling deadlines. Defendants' counsel contacted Plaintiff's counsel on
 16 January 20, 2017 to propose dates for the FRCP 26(f) Conference. *See* Exhibit 1. Plaintiff's
 17 counsel responded that Plaintiff intended to seek dismissal of this action, and re-file her claim in
 18 state court as a wrongful termination in violation of public policy claim. *See* Exhibit 2. In
 19 response to Plaintiff's request that Defendants stipulate to the dismissal of this action,
 20 Defendants asked that Plaintiff provide a copy of her proposed state-law complaint. *Id.* Plaintiff
 21 refused, and stated on January 27, 2017 that she would file a motion for an order dismissing the
 22 case. *Id.* Defendants responded on the same day that they would oppose such a motion. *Id.*

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 26 ¹ The Parties had agreed to extend the deadline for Defendants' Answers, which the Court approved. Dkt. #29-30.

III. DEFENDANTS OPPOSE DISMISSAL OF THIS ACTION

After consenting to transfer her case to this Court from the Western District of Missouri, and then delaying for months to enter an appearance through local counsel and wasting the time and resources of this Court and Defendants, Plaintiff now proposes to engage in a naked forum shopping effort to re-file essentially the same claim in state court. Defendants have a number of reasons for opposing dismissal of this action, which they will present to the Court if or when Plaintiff files a motion to dismiss. In the interim, Defendants are unable to comply with the Court's Joint Status Report deadline because Plaintiff has declined to meet and confer with Defendants to discuss and prepare such a report.

February 15, 2017

s/ Breanne Sheetz Martell

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Attorneys for Defendants

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Coordinated Care Corporation

CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On February 15, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF, which will send notification of such filing to the following:

<u>Attorneys for Plaintiff</u>	<u>Attorneys for Plaintiff</u>
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Executed on this 15th day of February, 2017.

s/ Sally Swearinger

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